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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/938,874

08/27/2001

Jeff S. Eder

AR-21

3540

53787

7590

04/16/2008

ASSET TRUST, INC.
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EXAMINER

POINVIL, FRANTZY

ART UNIT

PAPER NUMBER

3692

MAIL DATE

DELIVERY MODE

04/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/938,874	Applicant(s) EDER, JEFF S.	
	Examiner Frantzy Poinvil	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 79-118 and 156-164 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 79-118 and 156-164 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

In response to the prior Office action dated 9/20/2007, the applicant has amended some claims and added new claims thus providing different and distinctive inventions of the pending claims. Accordingly, claims 17-50, 59-74 and 83-118 are pending. The Examiner is therefore obliged to present an Election/Restriction requirement as found below.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 27-34 and 36-44, drawn to a computer based method of building predictive models from transaction data comprising using one or more weights from a trained neural network models to identify a set of high correlation raw and transformed transaction data by element of value for use in an analysis of element of value behavior or performance value and creating a summary of the refined transaction data set for each element of value, classified in class 705, subclass 7.
- II. Claims 105-118, drawn an apparatus for building predictive models from transaction data comprising means for developing an optimized neural network model for each aspect of financial performance by using the element of value summaries as inputs and training each model using a series genetic algorithms, classified in class 705, subclass 7.

III. Claims 156-161, drawn to a computer implemented neural network modeling method and a program storage device readable by a computer embodying a program instructions when executed by a computer performing the steps in a neural network, the method comprising generating a successor set of weight values form the initial set of weight values by evolving the chromosomes with a genetic algorithm, the input data and the output data until the target fitness level is achieved, classified in class 705, subclass 7.

IV. Claims 162-164, drawn to a program storage device readable by a computer, tangibly embodying a program of instructions when executed by at least one computer to perform the steps in a model development method comprising aggregating data from a plurality of transaction systems and analyzing the data with a series of models to identify a set of data that can be used to analyze and model each element of value, classified in class 705, subclass 7.

The inventions are distinct, each from the other because of the following reasons:

Inventions I to IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because:

In the invention of Groups II-IV, it is not necessary to have a trained neural network models to identify a se of high correlation raw and transformed transaction data by element of value for use in an analysis of element of value behavior or performance value and creating a summary of the refined transaction data set for each element of value as required in Group I.

In the invention of Group I and III-IV, it is not necessary to include for developing an optimized neural network model for each aspect of financial performance by using the element of value summaries as inputs and training each model using a series genetic algorithms as required in Group II.

In the invention of Group I-II and IV, it is not necessary to generate a successor set of weight values from the initial set of weight values by evolving the chromosomes with a genetic algorithm, the input data and the output data until the target fitness level is achieved as required in Group III.

In the invention of Groups I-III, it is not necessary to aggregate data from a plurality of transaction systems and analyzing the data with a series of models to identify a set of data that can be used to analyze and model each element of value as required in Group I.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Frantzy Poinvil/
Primary Examiner
Art Unit 3692**

FP
April 7, 2008